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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE TO REQUIREMENT FOR RESTRICTION MAILED MAY 26, 2004

APPLICANT:	Gabric et al	GROUP ART UNIT:	2818
SERIAL NO.:	10/606,069	EXAMINER:	D. Nhu
FILED:	June 25, 2003	CONFIRMATION NO.:	1618
INVENTION:	"METHOD FOR FABRICATING MICROSTRUCTURES AND ARRANGEMENT OF MICROSTRUCTURES"		

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Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450


S I R:

In the Office Action mailed May 26, 2004, which set a one-month period for response, a requirement for restriction was made between Group I (claims 1-16 drawn to a method for fabricating microstructures) and Group II (claims 17-24 drawn to an arrangement of microstructures). To respond to this requirement for restriction, applicants hereby elect Group I (claims 1-16 drawn to the method for fabricating microstructures). This election is made with traverse for the following reasons.

In justifying the requirement for restriction between the inventions of Group I and Group II, the Office Action stated the inventions are distinct if either or both of the following can be shown: that the process as claimed can be used to make other and materially different products or if the product as claimed can be made by another and materially different process. However, it is submitted that the process as recited in Group I can only make the product recited in Group II. It is also submitted that the Office Action failed to set forth a materially different process for producing the product of Group I and, thus, the Office Action has not established that the inventions are distinct. It is submitted that the recited process in the Office Action is the method of claim 1 and, therefore, the Office Action has failed to set forth a materially different process for producing the product of

Group II. For these reasons, it is respectfully submitted that the requirement for restriction should be withdrawn and an examination of claims 1-24 should be given.

Respectfully submitted,

 (Reg. No. 24,149)

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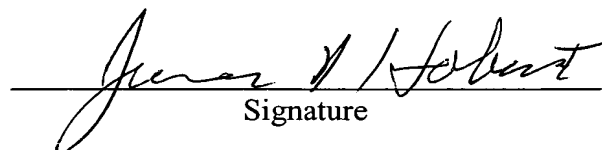
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DATED: June 17, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on June 17, 2004.

James D. Hobart
Name of Applicants' Attorney



Signature

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